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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 JUAN JOSE GAITAN VASQUEZ,

9 Plaintiff,

v.

10 IMMIGRATION OFFICER,

11 Defendant.

CASE NO. C18-5203 BHS

ORDER DECLINING TO ADOPT  
REPORT AND  
RECOMMENDATION AND  
GRANTING PLAINTIFF'S  
MOTION TO VOLUNTARILY  
DISMISS COMPLAINT

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13 This matter comes before the Court on the Report and Recommendation ("R&R")  
14 of the Honorable Theresa L. Fricke, United States Magistrate Judge, Dkt. 17, and  
15 Plaintiff Juan Jose Gaitan Vasquez's ("Vasquez") motion to voluntarily dismiss  
16 complaint, Dkt. 21.

17 On September 28, 2018, Judge Fricke issued the R&R recommending that the  
18 Court grant Defendant's motion to dismiss and dismiss the complaint without prejudice.  
19 Dkt. 17. On December 27, 2018, Vasquez responded to the R&R and moved to  
20 voluntarily dismiss his complaint without prejudice. Dkt. 21.

21 After Defendant serves a motion to dismiss, Vasquez may voluntarily dismiss his  
22 complaint only by order of the Court. Fed. R. Civ. P. 41. Upon review of the file, the

1 Court concludes that granting Vasquez's motion is warranted. Therefore, the Court  
2 declines to adopt the R&R and **GRANTS** Vazquez's motion to voluntarily dismiss his  
3 complaint without prejudice. The Clerk shall close this case.

4 **IT IS SO ORDERED.**

5 Dated this 15th day of February, 2019.

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8 BENJAMIN H. SETTLE  
9 United States District Judge  
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